

### REMARKS

Claims 1-12 are rejected under 35 USC §102(b) and 103 as anticipated by and/or obvious on light of Johnson, U.S. 6,488,170 in combination with Berger et al., U.S. 6,640,992 and Lin, U.S. 6,659,302.

Applicant respectfully requests reconsideration of these rejections, as the prior art fails to teach critical elements of the claimed invention. Claims 1 and 7 have been amended to more exactly define the invention.

First, the prior art fails to teach a center portion that closes the *lower end* of an annular sidewall to form an upper reservoir. While Johnson teaches a structure that is somewhat similar to the present invention, the center portion of Johnson extends upwardly in a dome shape, and thus fails to form the reservoir. As described in the detailed specification, and as described in greater detail below, this reservoir is critical to the function of the present invention.

Second, the prior art fails to teach a plurality of baffles that are positioned over a plurality of spaced apart openings. Applicant has amended claims 1 and 7 to more particularly specify that "each of the plurality of baffles being formed over one of the plurality of spaced apart openings such that each of the plurality of baffles is spaced from and spans over one of the plurality of spaced apart openings." The structures shown in Johnson extend downwardly into the cup, and they do not "span over" the spaced apart openings.


This combination is critical because it is this combination of baffles and reservoir that enable the cap to function in the manner described in the application. Fluid from the cup flows through the openings, where it encounters the baffles, which prevent fluid from splashing outwardly. The fluid then flows into the reservoir, as described in the specification, from which the user drinks. This function is not enabled by the structures described in Johnson.

Another important aspect of the present invention, described in claims 2 and 8, is the fact that "the center portion is sloped towards the plurality of spaced apart openings." This enables the fluid which has built up in the reservoir to flow back into the cup when the cup is returned to an upright position. Johnson functions quite differently and includes a dome shaped center portion that does not function to contain the fluid.

A petition and fee for extension of time in the present response of 1 month is enclosed herewith. Therefore this amendment is timely filed as of the date of deposit shown below.

Applicant respectfully requests allowance of claims 1-12, as the above amendments have placed these claims into condition for allowance.

Respectfully submitted,

  
Eric Karich, Patent Registration 41,503  
CUSTOMER NUMBER 21704, 800-949-0255

Certificate of Facsimile Transmission

I hereby certify that this correspondence is being sent via facsimile to the Commissioner for Patents at 571-273-8300 on 11-24-05 date of deposit.

Signature: \_\_\_\_\_

Eric Karich